

**BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

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**Board Meeting Minutes****July 27 & 28, 2000****Board for Professional Engineers and Land Surveyors****Mission Inn****Riverside, California****Friday, July 27, 2000**

**Board Members Present:** Kathy Hoffman (President), Gregg Brandow, David Chen, James Foley, Andrew Hopwood, Stephen Lazarian, Marilyn Lyon, Myrna Powell, Quang Vu.

**Board Members Absent:** Vincent DiTomaso (Vice-President), Millicent Safran

**Board Staff Present:** Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), David Brown (Special Assistant to the Executive Officer), Janece Sargis (Examination Analyst), Jacqueline Barclay (Executive Analyst)

**Public Present:** Grace Hood, Department of Consumer Affairs, Board Relations; Brian Hess, CLSA; Tony Spillane, CLSA; Tom Stout

**1. Roll Call to Establish a Quorum**

The meeting was called to order by President Hoffman at 9:10 a.m. Roll call was taken, and a quorum was established.

**2. Public Comment**

President Hoffman asked for public comment.

Mr. Andrew Matiukevitch addressed the Board. Mr. Matiukevitch stated he is a licensed Civil Engineer in Australia & New Zealand. He stated that his major client has started a business in California. This client is in the business of building prefabricated metal buildings, barns, and carports. Mr. Matiukevitch requested that the Board grant him a "restricted" license to design the above-described buildings.

President Hoffman explained that the Board laws do not allow for a “restricted” license. She recommended that Mr. Matiukevitch take the California Civil Engineering examination. Dr. Brandow indicated that the design of the structures described by Mr. Matiuvitch is civil engineering. Mr. Foley explained that the Board cannot license him without his first passing the California CE examination. Ms. Christenson explained the process when applying to our Board.

Mr. Matiukevitch asked if he could get a temporary license. Ms. Christenson explained the process.

**3. Closed Session**

The Board went into closed session.

**4. Open Session to Announce the Results of Closed Session.**

The Board adopted cutscores for the following examinations given in April 2000.

The Board adopted the score of 48 points out of possible 80 points for the Professional Civil Engineering examination. The Board adopted the score of 48 points out of possible 80 points for the Professional Mechanical Engineering examination. The Board adopted the score of 48 points out of possible 80 points for the Professional Electrical Engineering examination. The Board adopted the score of 44 points out of possible 80 points for the Professional Chemical Engineering examination. The Board adopted the score of 476 points out of a possible 970 for the Professional Land Surveyor examination.

The Board approved the results of the October 1999 Structural Examination Appeal results.

The Board discussed pending litigation as noticed.

The Board adopted the Proposed Stipulation in the matter regarding Daniel J. Cook.

The Board adopted the Proposed Decision in the matter regarding Dale Forbes.

The Board adopted the Proposed Decision in the matter regarding William Hanks.

The Board adopted the Stipulation in Settlement in the matter regarding Thomas Culbertson Clark III.

The Board adopted the Proposed Decision in the matter regarding George Katsufakis.

The Board granted the Motion to Vacate the Default Decision and set the matter for hearing in the matter regarding William Chuan Shen.

The Board denied the Petition for Reconsideration in the matter regarding Dinh Nguyen.

The Board denied the Petition for Reconsideration in the matter regarding Hans O. Thern.

The Board granted the Petition for Reconsideration in the matter regarding Craig L. Marshall.

## **5. Approval of Consent Items**

**MOTION:** Mr. Hopwood/Dr. Chen moved to approve the Minutes of the May 31 and June 1, 2000 Board Meeting, the June 30, 2000 Board Teleconference Meeting, and approve the candidates for certification/licensure based on examination results, including successful appeals, adopted in closed session.

**VOTE:** 9-0, motion carried

## **6. Approval of Delinquent Reinstatements**

**MOTION:** Mr. Foley/Mr. Hopwood moved to approve the following 3 and 5-year delinquent reinstatement applications:

### **Civil**

1. William Galli
2. Ralph Stone
3. William Kennedy
4. Adrian Fruct
5. Jeff Kishel
6. Kenneth Rahimian

Reinstate once the above applicants take and pass the California Seismic and Engineering Surveying Examination, the Board Laws and Rules Examination, and pay any delinquent renewal fees.

### **Mechanical**

1. Heinz Poppendiek
2. Fawzy Abdelmalek
3. Greg Chilingirian

Reinstate once the above applicants take and pass the Board Laws and Rules examination and pay any delinquent renewal fees.

### **Electrical**

1. Mahendra Gandhi
2. Michael Polk

Reinstate once the above applicants take and pass the Board Laws and Rules Examination and pay any delinquent renewal fees.

### **Land Surveyor**

1. Lonnie Kirby

Reinstate once the above applicant takes and pass the California Land Surveyor Examination, the Board Laws and Rules Examination, and pay any delinquent renewal fees.

**VOTE:** 9-0, motion carried

## **7. Comity and Temporary Authorization Applications**

**MOTION:** Mr. Lazarian/Mr. Hopwood moved to approve the comity applications for licensure as shown on pages 33 and 34 of the July 28, 2000 agenda package and the following special comity applicants.

### **Civil**

1. Morris Fleishman
2. Muhammad Akmahayni

### **Mechanical**

1. Gerald Bauers
2. Robert Knoedler
3. Mark Lutkenhouse
4. Allen Behring
5. Phillip Gibisch

### **Electrical**

1. Frank McElvain
2. Kenneth Smith
3. Gary Lynn
4. Mansur Vatanka

**VOTE:** 9-0, motion carried

### **Request for Temporary License of Nicola Ruccia**

Mr. Nicola Ruccia addressed the Board requesting a temporary authorization to practice Civil Engineering. Mr. Ruccia stated that he was originally licensed as a Civil Engineer in Pennsylvania, and is licensed by comity in a number of other states, including Ohio, where he maintains his business. Mr. Ruccia stated he has also applied for the October 2000 Civil engineering examination.

Mr. Ruccia stated that his request for a temporary license is for one project, which will include:

Work performed for California Portland Cement Company to construct a cement import and a distribution terminal at berths 5 & 6 at the Port of Stockton in Stockton, California. Mr. Ruccia will perform professional engineering services in all phases of the project.

**MOTION:** Mr. Foley/Dr. Chen moved to approve Mr. Ruccia for a temporary license for 60 days, pending verification of his Civil Engineering license in

Pennsylvania, and approval of his comity application by the Board effective September 3, 2000.

**VOTE:** 9-0, motion carried

Ms. Hoffman stated that Mr. Ruccia may request an additional 60 days on the temporary license in this calendar year.

In addition, Ms. Hoffman explained that Mr. Ruccia may request a new temporary license with an effective date of January 1, 2001, should his project not be completed and if the results of the October 2000 examination have not been released by that time. Submittal of the request for a temporary license must be made prior to the release of the agenda for the December 2000 Board meeting.

#### **8. Approval and Amendments to Board Rule 442 (Examination Subversion)**

Ms. Eissler reported on the status of the amendments. She stated that the Board did receive oral and written comments at the hearing on the changes to the Rule. Board staff recommended that some of the comments made by the public did not need to be incorporated in the rule because the current proposed language was sufficient.

Mr. Stout, public attendee, did not feel the changes to the proposed language adequately addressed the “distribution” of a secured examination.

**MOTION:** Mr. Foley/Dr. Chen moved to approve the amendments as shown in the July 28, 2000 agenda package to Board Rule 442 (Title 16, California Code of Regulation), with the below underlined changes, for a noticed 15-day public comment period.

(a). (4) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured examination questions or other secured examination material prior to, during or after the administration of the examination.

**VOTE:** 9-0, motion carried

#### **9. Approval and Adoption of Amendments to Board Rules 424 and 438 and Adoption of Board Rule 425 (Experience Requirements)**

Ms. Eissler reported on the above item.

President Hoffman questioned the language in 425 (b) stating that the work experience in land surveying must be performed under the direction and review of a person legally authorized to practice land surveying. President Hoffman asked if this included practice in another state.

Ms. Eissler stated that when the California land surveyor applicant’s experience is gained in a state other than California and the applicant uses a reference from that state, then the reference must be legally qualified to practice in that state. This also allows pre-1982 Civil Engineers to be references.

**MOTION:** Ms. Powell/Mr. Foley moved to approve and adopt as the final language for Board Rules 424, 425, and 438 the language included in this agenda.

**VOTE:** 9-0, motion carried

#### **10. Approval and Adoption of Amendments to Board Rule 411 (Seal and Signature)**

Ms. Eissler reported on this item.

**MOTION:** Mr. Lazarian/Mr. Foley moved to approve and adopt the final language of Board Rule 411 with the following changes, for a noticed 15-day comment period. Should there be no public comment, Board staff will submit the Rule to the Department of Consumer Affairs and the Office of Administrative Law (OAL), without further review by the Board.

##### **411. Seal and Signature**

(a)(1) ~~Around~~ Within the top border of seal: Either "Professional Engineer," "Registered Professional Engineer", or "Licenses Professional Engineer."

(2) ~~Around~~ Within the bottom border of seal: "State of California."

(b)(1) ~~Around~~ Within the top border of the seal: Either "Professional Land Surveyor" or "Licensed Land Surveyor."

(2) ~~Around~~ Within the bottom border of the seal: "State of California."

(c) The seal may be obtained by the licensee from any ~~convenient~~ source.

**VOTE:** 9-0, Motion carried

President Hoffman made an order change to the items. The Board will move to Item 15, Committee Reports, prior to the Technical Advisory Committee reports. President Hoffman also stated that this change in order would be a permanent change for future agendas.

#### **15. Committee Reports**

##### **a. Administrative**

Ms. Powell reported on the Committee meeting.

##### **3. Emeritus Status**

**MOTION:** Ms. Powell/Ms. Lyon moved to adopt section 3.6.8 (Emeritus Status) to Board's Operating Procedures. Section 3.6.8 will read:

The Board may appoint a one-year Emeritus status for one or more Board members whose terms have expired. The purpose of Emeritus status is to recognize outstanding service to the Board and to enable prior Board members the ability to receive membership on any of the NCEES standing committees. The Board shall review and appoint Emeritus members, if any, at its first meeting of each fiscal year.

**VOTE:** 9-0, motion carried

4. Professional Land Surveyor Contract

Ms. Powell reported that the Board would prepare a Request for Proposal (RFP) for a Professional Land Surveyor Consultant. Mr. Brunner's contract expires on December 31, 2000.

5. Strategic Plan

President Hoffman reported that Board staff should include in the next Administrative Committee agenda the Board's Mission Goals and Objectives for review and make recommendations and changes. In addition, portions of the Board's Strategic Plan will be reviewed at each of the Administrative Committee meetings throughout the fiscal year for updates and revisions prior to submittal of the 2001 Strategic Plan to the Department of Consumer Affairs (DCA). The Committee will work on at least one goal listed in the Plan at each meeting to develop objectives. The Strategic Plan of the Architect's Board will be used as a model for both presentation and content.

b. Examinations/Qualifications

Mr. Foley reported on the Committee meeting

**MOTION:** Mr. Foley/Mr. Hopwood moved to approve the Feasibility of Studying Item Response Theory and/or Equivalent for the Special Civil Examination. This will be added to the tasklist for the current RFP, which is reviewing exam content.

**VOTE:** 9-0, Motion carried

Mr. Foley also reported that the Committee directed Board staff to investigate using a CSUS affiliated research group called the Institute for Social Research to conduct a study of the Professional Land Surveyor's Examination, as being a more timely and cost-effective approach. Mr. Foley and Ms. Powell as members of the LS TAC will review staff findings regarding this research.

c. Legislative

Mr. Foley reported on the Committee meeting.

**MOTION:** Mr. Foley/Mr. Hopwood moved to approve the following positions on following pending legislation.

AB 505 Oppose, unless amended

AB 1096 Watch

SB 2030 Request the author to include amendments to Business and Professions Code section 6735, 6735.3, and 6735.4 (signing requirements of documents related to civil, electrical, and mechanical engineering.

**VOTE:** 9-0, motion carried

d. Enforcement

Dr. Brandow reported on the Committee meeting.

Dr. Brandow reported that the enforcement statistics will include the source of complaints and the citation statistics will be modified to include types of violations.

Dr. Brandow reported on the outreach meetings coming up in August 2000.

#### Fingerprint/Criminal Records Check Program

**MOTION:** Dr. Brandow/Ms. Powell moved to direct staff & legal counsel to review the statutes and regulations to determine which, if any, will need to be amended and report to the Enforcement Committee at the September meeting. Also the Board directed staff to ask the Department of Consumer Affairs to plan to include in its Omnibus legislation for next year an amendment to Business and Professions Code section 144 to include our Board as one which can obtain federal criminal history through fingerprints.

**VOTE:** 9-0, motion carried

#### Defining Negligence and Incompetence for Purposes of Administrative Discipline

Dr. Brandow reported that Susan Ruff advised the committee of some minor changes she believes should be made to the definition of negligence. The Committee also directed staff to find out from the Joint Legislative Sunset Review Committee why the requirement to define these terms was included in the Sunset bill.

### 11. Technical Advisory Committee Reports

#### a. Land Surveying

**MOTION:** Ms. Powell/Mr. Vu moved to approve the following appointments to serve as members to the Land Surveying TAC for a two-year term.

1. David J. Ryan, P.L.S.
2. Dana M. Seguin, P.L.S.
3. Richard B. Moore, P.L.S.

**VOTE:** 9-0, motion carried

**MOTION:** Ms. Powell/Mr. Hopwood moved to approve the 2000/2001 Work Plan and Budget for the Land Surveyor TAC.

**VOTE:** 9-0, motion carried

Mr. Foley requested that the next LS TAC meeting be held with CE/GE meeting.



- b. Civil/Geotechnical Engineering  
No report
- c. Mechanical/Electrical Engineering

**MOTION:** Mr. Vu/Mr. Hopwood moved to approve the 2000/2001 Work Plan and Budget for the Mechanical and Electrical TACs.

**VOTE:** 9-0, Motion carried

- d. Structural Engineering  
Dr. Brandow reported on the June 14, 2000 meeting

**MOTION:** Dr. Brandow/Ms. Powell moved to approve the following re-appointments to serve as members to the Structural TAC for a two-year term.

- 1. Kit Miyamoto
- 2. Gerard Nieblas
- 3. Paul Winter

**VOTE:** 9-0. Motion carried

**MOTION:** Dr. Brandow/Mr. Lazarian move to approve Mary Williams's appointment to serve as a member to the Structural TAC for a two-year term.

**VOTE:** 9-0, Motion carried

**MOTION:** Dr. Brandow/Mr. Hopwood moved to approve the 2000/2001 Work Plan and Budget for the Structural TAC.

**VOTE:** 9-0, motion carried

## 12. Liaison Reports

- a. **ABET**

President Hoffman reported that she appointed Dr. Chen as the Board Liaison for ABET.

Ms. Christenson reported that the visits to the colleges are upcoming. Ms. Christenson requested volunteers of Board members to the ABET visits. Ms. Hoffman reported that it is important that a Board member be present at each ABET accreditation.

- b. **NCEES**

Tom Stout was allowed to make public comment on this item.

Mr. Stout stated that NCEES was considering using this method of establishing a passing score. Ms. Christenson explained that the Beuk compromise method is another data point that a standard setting committee can use in establishing a passing score. It is normative

referenced instead of criterion referenced. Since it is normative referenced it is contrary to the method that has been “blessed” by psychometricians for a long time. Therefore, this method is not something that we want used in establishing our passing scores.

Mr. Stout recommends the Board vote against Beuk compromise method.

This method will be on the NCEES agenda to be voted on at the NCEES Annual meeting. Ms. Christenson also stated that Raymond Bradley also believes that we should vote against the Beuk compromise method. It is not scientific. Chauncey is promoting the new method of scoring.

Reporting scores as pass/fail

The item will also be on the NCEES agenda to be discussed at the NCEES Annual meeting. Mr. Stout believes that the Board should continue to tell the failing candidates what their exact score was on their examination.

Ms. Hoffman remarked she not seen a copy of items that will be discussed at the Annual meeting. Ms. Christenson advised her it was available on the NCEES website.

- c. Technical and Professional Societies  
No report given

Dr. Brandow reported that he would be attending a Structural convention in Vancouver, British Columbia.

### **13. President’s Report**

President Hoffman reported that she, Cindi Christenson, Gregg Brandow, and Steve Lazarian would be attending the Annual NCEES meeting in Chicago. At the meeting, Ted Fairfield will be elected President-Elect of NCEES. There is still concern that there may be a constitutional objection to Ted’s nomination. Ms. Christenson prepared a letter to all NCEES Board members asking for their support with regard to Mr. Fairfield’s appointment.

### **14. Executive Officer’s Report**

Ms. Christenson reported on this item.

Mr. Lazarian requested that the Executive Summary Report include the numbers of “clear” (current) licensees, numbers of licenses issued monthly, and the number of retired licensees (once implemented). Mr. Foley requested that we also put this information on the Board’s Website.

Ms. Christenson reported that the Engineer-in-training and the Land Surveyor-in-training applications could now be downloaded from our website. Ms. Christenson also reported that eighty percent of applications received are from our Website. This saves staff time and costs for postage in mailing applications.

Ms. Christenson formally introduced Janeece Sargis and David Brown.

Ms. Sargis is the Examinations/Qualifications Liaison and Mr. Brown is the Legislative Liaison.

Ms. Christenson reported that Diane Barbosa, staff editor and webmaster, will be retiring in September.

Ms. Christenson reported that the Board received approval for a new half-time Associate Governmental Program Analyst (AGPA), Limited term for two years, and we are currently recruiting for this position.

Ms. Christenson reported that the Consumer Guide will be revised and printed in September or October, after legislative changes have been decided upon.

Ms. Christenson reported that there have been no new appointments to our Board by the Governor's Office.

**16. Approval of Board Travel**

Ms. Christenson reported that NCEES appointed President Hoffman as a consultant to the CBT Committee and reported that Betsy Browne from NCEES is attempting to get approval for President Hoffman to travel for this committee.

**17. Other Items Not Requiring Board Action**

Next Board Meeting - Burlingame – California, Doubletree

There will be a hearing at 11:00 on Thursday, September 7, 2000 on a Petition for Reinstatement of a Revoked Licensed. Committee meetings will begin at 9:00 and will recess for the hearing.

President Hoffman requested Board members to advise Ms. Barclay or Ms. Calderone if their time of arrival would support the Committee agenda order to achieve quorums for each meeting.

**18. Adjourn**

The Board meeting was adjourned at 1:15 p.m